

A  
WHIP

For the *Marshalls* Court, and their  
OFFICERS.

The Petition of ROBERT  
ROBINS Gent. to the House of Commons,  
Against the Abuses practised in the MARSHALS  
COURT.

AND

A Discovery of the Jurisdiction and priviledge of that  
COURT, with some of the particular greivances, the  
Subjects suffer under the pretended Authority thereof,  
maintained by ill Members of the Common-wealth.

Written for the Releife and redresse of all that have,  
or hereafter shall be Arrested, or wronged there, with di-  
rections where to repaire for advice and Assistance there-  
in, And how, and where to get restitution  
for the same.

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By RO. ROBINS.

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London printed for the Author. And are to be sold at the  
Signe of the three Pigeons in Kings Street,  
*Westminster.*

Gay 1648.1100.403

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OF E. L. GAY

JUNE 1, 1916

BY R. C. ROBERTS



TO THE  
READER,

SIR.

**H**aving by the malice of the false and cruell  
Marshalls mens perjuries, an opportunity  
to ~~be~~ <sup>be</sup> ~~have~~ <sup>have</sup> ~~long~~ <sup>long</sup> ~~since~~ <sup>since</sup> ~~invented~~ <sup>invented</sup> their  
false swearing the last Term, procuring me  
a Prison, leasure to manifest the Jurisdiction  
of that Court, and to discover some of  
their abuses, and tole extortions by the assistance of the  
Printers Presse to your view, hereby intreating you to per-  
use this little booke, and then to repaire to me, either in  
the Fleete, or at the three Pigeons in King-street West-  
minster, where I shall not faile to bee, and satisfie you the  
true course that the Law of England hath in this Case, pro-  
vided whereby you may recover not only what expence or  
charge, or summes of money it hath cost you, or you have  
paid by any arrest or suit there, but also dammage for your  
false imprisonment thereby susteyned, by due and iust  
course

## To the Reader.

Course in Law (every Arrest by a Marshall, man  
made being clearly (as I shall shew you) false Im-  
prisonment, And I shall shew you Iudgements, for pre-  
sident in the Case, and shall let you farther to know  
where to levy any Iudgement upon Persons whose Estates  
are responceable untill which time I am

ЭНТ. ОТ

Your most humble Servant  
At Command:

RO. ROBINS.

From my Iron Cage in the Fleet,  
29th. of *August* 1647.

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A  
W H I P E

For the *Marshalls Court*, and their  
OFFICERS.



Bout a yeare since at the Sessions of the Peace for *Westminster* holden in *Westminster Hall* before the Kings Majesties Justices of the Peace sitting there in open Court by good advise of Councel, I Indicted two of the Marshalls men, amongst other of their Confederates, for an assault and battery made by them upon me, (this is one of their Arrests) and by force deteyned me in their Custody, untill I did deliver them five shillings and six pence, lawfull money of *England*, of my owne proper monyes numbered, which Bill was upon positive and full Evidence to the Grand Jury given, found, and by them in their Verdict, delivered in *Bills vera*, and the Justices, the grand Jury, the Constables and inhabitants within that liberty feeling and well knowing what a miserable oppression they and the Dwellers there suffered by Arrests, Suits, and Actions commenced in that Court against them upon idle and frivolous pretences did joyfully come to joyn with me in the endeavouring a Rectification thereof, and then promised me that if I would draw a Petition to that purpose to the Houses of Parliament they would procure it to be read, thereby humbly desiring the Houses to rectifie that Court in the just Jurisdiction and Privilege, And take as way the abuse of it, to which I consented (though contrary to my opinion) knowing and acquainting them that I could very well doe it at Common Law, if I could once come to the Bar as the Common pleas Bar, with them concerning

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ning their Jurisdiction to hold plea in actions between party, and partie, not being of the Kings house, and their extorted fees, which Petition I herein, *verbatim* set forth, being drawne in my owne name, on the behalfe of all the Inhabitants in generall, within 12. miles round, about the siting of the same court, within which is their pretended Veirge, and for the avoyding of tumults and Crowdes of People to waite on the houses with it, therefore I did it not, doubting but most of the Members of both Houses know very well the oppression the greived Communalty live under by that Court.

To the Honourable, the Knights, Citizens and Burges-  
ses, Assembled in Parliament.

*The humble Petition of Robert Robins, Gent.*

S H E V V E T H.

**T**Hat your Petitioners by the desire of his Majesties Justices of the peace for the City, and Liberty of *Westminster*, at a Generall Sessions of the peace houlden in *Westminster Hall*, about a yeare since, as also by the request of many of the Inhabitans within the said City and Liberty, and divers House-Keepers aswell Commanders, Gentlemen, and others, and especially poore Tradesmen within twelve miles about *London*, doth present unto your Honors consideration the intollerable misery and oppression they live under in a perpetuall dayly feare of arrests, by a pretended Jurisdiction of a Court, called the Marshalls Court, *alias*, the Court of the Kings palace of *Westminster* weekly on Fridayes houlden in *Southwarke*, contrary to the Lawes, and Statutes of the Kingdome, kept by Colour of a Patent granted by the Kings Majestie to Sir *Edward Sidenham* Knight, Marshall of England, under the old Great Seal of England, since the twenty second of May, 1642. Which patent is by vertue of an Ordinance of both houses of Parliament concerning the Great Seale of England void; The great and heavy pressures thereby laid on the Shoulders of the *English* born Subjects of this Kingdome as well Inhabitants as Lodgers and Country-

*and their Officers,*

Country gentlemen here in Towne, about their affairs, and within twelve miles about London (which is within the Veirge of that Court, as the Marshalls men, Steward, Attorneys and others their Officers, very untruly affirm, justife and maintain) are so violently, injuriously, and extortiously, and contrary to the knowne Lawes, and Statutes of this Kingdome, and the liberty of the Subject put in execution, by the Officers of the said court, that many hundreds are thereby ruined, and others in a most sad, desperate, and lamentable condition in that crewell Jayle, starved and dye And the Parliaments Commanders attending here for their arrears, for their good service done, notwithstanding their extreame wants are by the Marshalls men dayly arrested and forced in that prison, to take up their quarters for life, for the prevention where of, and for the releefe of all Freeborne Subjects that desire to live under, and be governed by the ancient and good Lawes of England.

Your Petitioner humbly prayeth, That your honors will be pleased to order that the said Court may bee, and continue in its just Iurisdiction, and priviledge for fees, and all other rights perquisites and pleadings, and to the same intent and purpose as it is was first ordained for, provided and granted by the severall Acts of Parliament, and that the late pattent granted to the said Sir Edward Sidenham and all other Pattents, and authority they sit by, contrary to the first institution of the severall Acts of Parliament, and the said court thereby confirmed may be to all intents and purposes void, and utterly annihilated and that all by that court; or Officers thereof, wronged, or by any arrest, or proceeding therein, sufferers, may have the benefit, and assistance of the common Law of England, to sue for reliefe, and in the interim the Court silenced from their proceedings there, untill its ancient Iurisdiction be fully settled; and the corrupt proceedings taken away.

And he shall daily pray, &c.  
**RO: ROBINS.**

This

This I doe manifest and declare to all that will lend a iudiciall on and gentle aspect, and audience to what I have here with a candid heart, for my great cost and charge, and diligencefull reproaches, and hard imprisonments delivered, not doubting, but to see the distressed communalty to reape plenty of the fruite of my sad labours as the neighbouring inhabitants by my pen and person, doe from the hands of serene Justice, beg, and implore cordially assuring my selfe, and them that a gale of VVesterly wind is at hand to blow off those Caterpillars, from being so neare our seates of Justice which will be a meane to preserve much of the wholesome fruit of the Law from their rapins devowrings, spoyles and perjuries to feed the poore wronged and grieved Subject with, and it will undoubtedly afford more good wholesome and joyfull nourishment to both soules, bodyes and estates of the oppressed and wronged people then the Marshalls prison begging basket.

The first institution of this Court, called the *Marshalls Court*, or the Court for his Majesties House, was by a grave and learned counsell in many Parliaments settled and ordained, and if considerately looked on, and understood for the Subjects benefit, and advantage, and not to destroy them as it is now used.

That I am very confident that most honest Subjects are not ignorant that all his Majesties meniall Servants now are, and in all former ages have beene, and according to the ancient customes of *England*, (a laudable custome) ought to be protected by the Royal protection as necessary Servants to the Kings most Excellent Majesty, who swayes both the Septer, Swerd, and Mace of this and his other two Kingdomes, and by them and the Lawes, rulers and governes his Subjects under him, and thereby preserves, and maintains the causes of the Pious, Honest, Just, poore, abused, wronged, oppressed, and distressed Subject: And with the same cuts off, strickes to the ground, and layes flat to the earth, the wicked, proud, unjust, malevolent, and ungodly oppressors, & extortioners, and such wicked persons; And no servant who enjoyes, or ought to enjoy this priviledge of protection, is or ought to be Arrested, Sued, or impleaded, molested or hindred, from his imployment in his Majesties service, for or by reason of any Suit, Action, or mole-  
Action

station, or pretence whatsoever, in any Court (except in cases criminal) thereby violence, taking such a servant from his Majesties service, and by that meanes (if tolerated) his Majesties Cooke may be taken out of his Kitchen, when he is providing, & dressing his Majesties Dinner, & so consequently, all his other Servants may in the like manner be taken from him, and by such meanes when his Majesty expecteth his Dinner, and that attendance which belongs to, and befits so great a Monarch will be wanting, which were no small abuse to his Majesty; therefore protection is for such Servants, provided, ordained, and allowed of; This *Contris* saith the Subject, were a sad condition for us, and much suffering, and losse must of necessity follow to our disadvantage, if this protection should be allowed of, and defended, for then his Majesties Servants will be lawlesse, and may by cunning and sinister wayes, and false and deceitfull meanes get into any of our debts, and procure our Estates by dealings, trusts, and otherwise into their hands and possession, and if we cannot sue for it, if they refuse to restore it to us, but shall be barred by this protection, we were meereley cheated, which no doubt that wise Councell & Parliament hath already very satisfactorily answered and resolved, that is, they have ordained, and constituted this Court called the *Marshalls Court*, or the Court for his Majesties House, and meniall Servants, and none to sue, or be sued in that Court; but either the Plaintiffe or Defendant must be one of his Majesties meniall Servants, and the Knight Marshall and Steward are the Judges of that Court, as appears by the contents of the severall Statutes hereafter following in his verbis, *viz.* That the Steward and Marshall shall not hold plea of any Covenant, or any contrivall made betwene the Kings people, nor of debt, but only of Trespass done within the Kings House, or Veirge, due of such contrivall and Covenant that one of the Kings House maketh with another of the same House within the House, and not else where, and they shall plead no Plea of Trespass, except the partie were attached by them, before the King departed from the Veirge where the Trespass was committed, and shall plead them speedily from day to day, before the King depart out of the lymys of the Veirge, where the Trespass was

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done, and if so chance that they cannot be determined within the limits of the same Veirge, where the trespass was done, then shall the same plea cease before the Steward; the matters determinable at the common Law, and from thence forth the Steward shall not take cognizance of any debts nor of other things, but of such things onely as be of the Kings house, nor shall hold no other plea, by obligation made by a distresse taken by the Steward or Marshall, and if they attempt any thing to the contrary to this Statute, it is void. 2. E. 1. 3.

‘ If any plea of Debt, detinew, or other plea personall, be commenced betwixt any persons not being of the Kings house, though the Record do make mention that the Plaintiffe and Defendant in the same plea be of the Kings house, yet the defendant shall not be estopped by such Record but may have his Averment that he himselfe, or the Plaintiffe were not of the Kings house, at the time of the Plea, or suite commenced. 15. H. 6.

1. In all places where the King in his owne person, shall come to rest, abide or make repote within the veirge limited to his graces Court, which shall not passe the space of twelve miles, to be accounted from his Majesties lodging (13. R. 23.) his Steward Marshall, and all other Officers may keep their Court of Justice, and execute, their Offices which shall appertaine to them, according to the Lawes, Customs, and Statutes of this Realme, as well within liberties as without during the time of the Kings abode any priviledge or graunt notwithstanding. 21. H. 8. 24.

In every case where enquests be, to be taken, before the Steward and Marshall of the Kings house, such enquests shall be taken by men in the Countrey thereabouts, and not by any of the Kings house, except it be of contracts, Covenants, or Trespas made by such whereof the one part and the other be of the Kings house, and that in the same house. 5. E. 3. 2. 10. E. 3. 2.

If any man will complaine of Error made before the Steward, and Marshall of the Kings house, he shall have a writ to remove the Record, and the proces into the Kings Bench, and there the Error shall be redressed 5. E. 3. 2. 10. E. 3. 3.

The



The Marshall of the Marshalsey of the Kings house may take the Fees hereafter following in open Court, that is of every person which cometh by capias to the said court, foure pence, and if he be let to maine prize untill his day, two pence, and of every person being Defendant, which is impleaded of Trespas, and giveth *manncaptors*, to keep his day to the end of his plea, two pence, and of every one committed to prison by the Judgment of the Steward in whatsoever manner the same be four pence, and of every person delivered of felony, fower pence, and of every Fellow, let to maine prize by the Court fower pence, But if the Marshall or any of his Officers under him do take any other Fee, then before are declared, the said Marshall and every of his Officers shall loose their Offices, and also shall pay to the party greived treble damages for the same for which the sayd party shall have his suite before the Steward of the said court, for the time being a Serviture of bills (now called the Marshals men) which beareth a Staffe of the said Court shall take for every mile from the said court unto the same place where he shall doe his service a penny, and for twelve miles twelve pence, and so to serve a *venire facias*, or a *distringas*, out of the same court the double, and if a Serviture of Bills do the contrary he shall be imprisoned and make Fine to the King after the discretion of Steward of the same Court,

All which articles the Steward at his coming into the Country, hath authority to proclaim and put in execution, *z. H. 4. 13.* And Priests and other Ecclesiasticall persons taken in the Marshalsey of the Kings house shall pay such Fees as Lay-people shall reasonably pay, and no more.

The Steward of the Marshalsey shall for ever from time to time be assigned by writing under the Seal of the Lord Steward of the Kings house for the time being *33. H. 8. 11.*

Very much more I could set downe concerning the Jurisdiction of this Court, in cases of Bateries, blood sheds, and other misdemeanors which I conceive not fit to be heer incerted, in respect my intent is onely to treat of, and manifest the matter of arrests



pleadings and power of holding Plea, in that Court of Actions betweene partie and partie, as now they doe.

There is a Statute made in the 23. H. 6. 10. which giveth every man from whom any money is extorted, by an Officer, other then the Statutes do allow, power to sue the Extortioner in action of Debt for fortie pounds which he shall recover by tryall at Law, and twentie pounds thereof his Majesty is to have, and the other twentie pounds the partie wronged, and that such for the same is to receive, this I shall shew all men that are wronged and desire reliefe, and restitution of their injury, if they will be pleased to repaire to me, to be satisfied in it, with severall other benefits the Law hath provided for, our good and quiet living and enjoyment of our owne Estates and Liberties, and there is provided in them, punishment for those vile and unsufferable creatures, called extorting Bayliffes, Marshalls men, and Jaylers.

Now having here shewed the Jurisdiction of the Marshalls Court and their just Fees and priviledges, and wherefore ordered, I am very confident that you are and may be satisfied, that that Court which usually sits every Friday in Southwark is of no validity, nor hath any power or Jurisdiction to execute that Authority which they wrongfully and unjustly doe, upon the ignorant people every day, and that no proccesse issuing out of that Court, ought to have obedience yeilded to it, but is onely a collour for their rapines and cheating the people, for what money soever is by pretence of Law forced from the Subject contrary to Law, is a meere cheat, and no better then plaine English thevery.

Now concerning the Fees usually taken by the Court and their Officers, as many as I know I will herein set downe the particulars, viz. their Writ two shillings and six pence, whereof there is Eightene pence paid, and the Marshalls man cofereth the other twelve pence, which he calleth the advantage of the Writ and then this Writ must be executed, the Marshalls man for doing it, must have ten or twenty shillings, otherwise he will not doe it, may hee shall sweare a hundred Oathes in an hower, that the Defendant which is to be Arrested is a man very soldome to be seene, and a dangerous man and this hee shall sweare over and over againe, that

that if it were not for the Plaintiffe whom he takes to be his speciall friend, he would not execute it for that money, no if it were for his owne Father, and that he shall spend more in waiting for him, then he doth aske for serving the Writ, all which is false, for no sooner is the Plaintiffe gone, but he goes and fetcheth the Defendant, and so they two go to an Alehouse, and drink lustily, and so the Marshalls man getteth money of him, and sometime taketh Bayle, but if it be one of his acquaintance, then he taketh a bribe and letteth him goe, or if a Begger then to the Goale, he is presently carryed, and you see the first extorted twelve pence is as much as is due, if he did Arrest one the full twelve miles, from the sitting place of the Court; And when they Arrest one, and detayne him for want of Bayle, hee must presently give two sufficient House-keepers, bound with him in a Bond of fortie pounds, or more, according as the Marshalls man pleaseth, for his personall appearance the next Court, and this Bond is taken in the Jaylors name, and not in the Knight Marshalls name which ought to be done, and must presently pay five shillings and six pence, for the Knight Marshalls Fee, and bayle bound when there is but six pence due, that is two pence for admitting him to *Assurance*, and foure pence for the bayle Bond, there is you see five shillings extorted; And if for want of Bayle the Arrested be committed, his Prison his Fees are eighteen shillings foure pence for the turne Key, (*alias* *Ditus* turned extorting knave) & there is but foure pence due and (the eightene shillings is extorted) to be paid upon the Prisoners discharge out of Prison, two shillings for walking in the Garden, to take the Ayre, which makes the Jaylor Heire, of an estate gathered by compulsive extortion out of both Heires, young Brothers, and beggers Estates. Two shillings and six pence the Garnish, which is to be spent in Beere, in the Seller of the Prison, this makes the Paynter rich, giving so much to the Jailor for drawing the Beere, five shillings a week for a Chamber, when the King commandeth Lodgings, Bedding, Candle-stick, Chamber-pot, Basin, and foure pence a day in all his Prisons, to be given to the Prisoner, otherwise the Prisoner for Debt (which is all honest mans case, or a Prisoner upon a commitment

by a court of Iustice, and commonly not deserved) is in a worse and sadder condition, and case then a Theefe or Fellow, who is allowed so much, and shall a poor Debtor or an imagined misdemeaner have no thing, then the fellow is farre before a Debtor or misdemeaner in respect he is at every Sessions following, his commitment, (except in some speciall cases) either condemned to dy for his fact, if proved or set at liberty, and the others must ly and starve by degrees, a lingring death, and one of the cruelest for hanger compelleth passion in a man, and to attempt almost a ny thing, even to kill himself, to cry out against King and Kingdome, for want of releefe and Justice, yea, sweare, curse and blasphememe their God, the mother in such case to eate her owne Children, as in *Ierusalem*, to eate their owne Dunge, their shoes their owne flesh, and what not, this is a pitifull punishment: for nothing that a poore prisoner is forced to, so horrible, is a starving life, till the grave cures, yet *Magna Charta* doth not compell any to ly and dy in prison, for debt or misdemeanor, but otherwise provides reliefe and succour, if it were put in execution And I never heard of any man hanged for debt, and in my opinion it were better hang debtors then starve them, A multitude of other just demands, the poore prisoner is forced to pay, or else to lye and starve, as it is a usuall thing with Taylors, for prison fees, be the parties never so poore, and not one penny so demanded due, to deteyne them in this kind, and when he comes to Court to give bayle, he must pay five shilings ten pence; when there is but two pence due, This is the nature of their proceedings in that Court, by which meanes they pillage and rob the poore Countrey of at least two hundred thousand pound *per annum*, amongst them all.

And to further dispute the Cause with them, they pretend that the Court they now keepe is not the Marshalls Court, but the Court of the Kings Palace of *Westminster*, granted to them by Pattent bearing date at *Canterbury*, the twelke day of July, in the fixt yeare of King *Charles* his raigne, which his Majesty granted for the good of the Subjects (of which I am very confident his Majesty conceived so, but the contrivers got it past for the goods

goods of the Subject as by them is practised and reported) to be gotten by the advice of the then Judges of the Kings Bench, Common-Pleas, the Barrons of the Exchequer, and Mr. *Noy* his Majesties then Attorney.

To which specious pretence of theirs I answer that the Kings bench where the King sits himselfe Cheife Justice, held in *Westminster Hall*; where other Judges of that Court sit as assistants to his Majesty for the matter of Law, is the Court of the Kings pallace of *Westminster*, held, in the pallace of *Westminster*, in the greate Hall there (formerly the Court for his Majesties house) and that the Kings Bench is the Court of the Kings Pallace of *Westminster* is evident by all the Statutes concerning that court in the Statutes at large, to be seen and read. And the then Judges, Barrons and Mr. *Noy* were no Parliament and therefore could not repeale the severall acts of parliament that settled the Marshalls Court of the Kings pallace of *Westminster*, thereby to take away the power and Jurisdiction of them two courts to make a cleare power in the King to dispose of them by this new Patent, and all the World knowes that King and Parliament must repeale Acts of Parliament otherwise they are still in force and where any thing is by his Majesty granted, and confirmed by Act of parliament, the Jurisdiction of that giuft be it just or unjust is good untill repealed by Act of Parliament. Provided it be not against any of the Chapters of *Magna Charta*.

It is not to be omitted in this Case what *Magna charta* layes, that is the City of London and all other cities, Townes, and Ports shall enjoy all their free charters, and customes without encroachment of any power whatsoever, and this was long before the Patent of *Sexto Car.* and therefore by the way of goods advice let me intreat you good *Mr. Wis.* and your servitors by vertue of that patent not to infringe Liberties and corporations any more for if it be any longer continued, some body must accompt for

Now to come to the manner of their proceedings, which are as hereafter according to my knowledge I will declare.

First their originall Proesse, is an odd Writ called a *Non est*.

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tas, which put spirit into the heart of the Marshalls man (as in this case is requisite to put a good face upon a bad matter) that he hath more power then the Sheriffe of each County upon an originall Proce by which he can enter into and arrest in five Counties, viz. *Essex, Kent, Middlesex, Surrey and Hertfordshire* which makes him desperate with his Sword by his side, and sweare and drink, and domineer, that he is a brave fellow, and he hath a *non omittas*, and sweares 40. or 50 Oathes one after another, that he will enter any liberty within them, five Connies within twelve mile round, their Court in Southwark, and doth so, and Arrests within them all and the writ is his warrant, and the Court will beare him out in it, and the Sheriffe durst not doe soe, and why will not every one sue within their Court and veirge (when indeed there is neither veirge nor power, and nor at Common-Law, for there they shall be sure to recover, this is the Marshalls mans carriage with his Writ.

This Writ of such force, power and strength; I will *verbum in* here write downe, viz.

**C**AROLVS Dei gratia Anglie, Scotie, Francie, et Hibernie, Rex fidei defensor, &c. Portatoribus virgarum officiarum et Ministrum Curie Palatii nostri Westmisterij, et eorum milibet salutem precipimus vobis et cuilibet vestrum, quod non obstitatis propter aliquam libertatem infra Iurisdictionem Curie predictae, quia capiatis, seu aliquis vestrum capias per Corpora sua Iohannem Doe, et Ricardum Roe si invenerit. suarum infra Iurisdictionem Curie predictae infra tres Septimas tunc prox. sequens, et eos salvo Custodiat, Ita quod habeatis, seu aliquis vestrum habeat, Corpora eorum eorum Iudicibus Curie predictae, ad Prox. curiam nostram Palatii nostri Westmisterij predictae, post expirationem istam infra tempus predictae apud Southwark in Comitatu Surrey, tunc ad Respondendum Iohanni Stiles in Plito. transire, et beatis. ibi. tunc hac bre. Teste Edwardo Sidenham milite, apud Southwark, undecimo die Decembris. Anno Regni nostri vicelesimo secundo.

Shetteden.

these

This writes being blanks signed in their Office at *Clements Inne* by Master *Shutterden* their Prothonatary (a wise court to have a Prothonatary only to signe writts, not able to draw a plea, but to give 2500 li. for a place and pick it up againe by the writts, where the Marshalls men on this side the Thames usally fetch them, or send for them, sending to the Office the names of the plantiffe, and defendant, to be filled and entred but at general times and almost commonly the marshalls men have these writts blanke in their pockets and a seale of Office being a Parcellis and wax, and so they fill them seale them and execute them, by which Proceedings and actions every Marshal man keepeth an office in his pocket, and when he thinks fit makes returne of them or of so many as he conceiveth convenient, and in case of necessity, as they call it, they having no blanks about them, they take old writts, of which their pockets are commonly full, and raise fill and execute them (this is but forgery and false imprisonment) and detaine the prisoner arrested, by that forged and raised writt untill they can end the businesse which they will indeavour, and by that meanes the arrested is drawne into a fooles paradise, thinking them to be as honest men as may be, which invites him, if a stranger, to put trust in him, and the Marshalls man perceiving the arrested to put some confidence in him, sweares himselfe to be as honest a man as any in *England* though he be a Marshalls man, and the arrested beleeveeth so, and thanketh God that he is happened into an honest mans hands, seeing it was his fortune to be arrested, and he is very confident that the Marshalls man will end his businesse, which the Marshalles man binds with a multitude of oathes, and that he doth not desire to gaine one farthing by it but for quietnesse sake to make neighbours freinds, he will be contented to loose his fees, and then the Marshalls mans man comes in swearing as God shal Judge him there is not an honest man in *England*, then his Master, &c he hopes his Master and he shall make an end of the businesse, for what fooles are men to goe to Law, so long as neighbours (who I thinke are fools



indeed) may end it, and if they goe to Law, the Lawers will get all the money, and for his part he will have nothing for his paines, and fees, so there may be a good end, which hee hartily wisheth, and so he will drink to the arrested, and calethe for another flagon, or a halfe douzen of beer, (which the arrested must pay for) and professeth that his master and himselfe are two of the honestest men in *England*, and noe harme in them, (no, no more then in a Divell of two yeares old) but wisheth all peace and quietnesse, and if they cannot effect it this way, then they send to the Office for a new writ, which is filled and entred before the arrest by the registers man *Thomas Greenfill* by which they force the arrested to give bayle, or they will turne all their freindship into rigour, and carry him, if not monyed, to prison, saying they forfeit their bonds, if they keep a prisoner above six howers, but if he hath money and will pay them well, and that he will hold his peace and not reveale it, then they will doe him the best curtesie they can, and hee shall lie in their house til he can take a course to end his businesse or give baile, provided that he pay twelvecence every night for his lodging, besides ten shillings a day for attendance, and sometimes twenty, and when all his money is gon then his cloake or some other good thing, and at last he cannot keepe him any longer, but must goe to prison unlesse he will have the Marshalls man undone for him, and he hath done as much as he canne, and he is sorry for it, but cannot helpe it, and any thing that lies in his power he will doe, and sweares lustily to it, and will be one of his bayle so he can get another, so the poore prisoner is meereley cheated, this is their custome; but if they compas the busines, as commonly in such arrests they do then they take the fee for the writ, that is ~~to~~ shillings and six pence, the Knight Marshalls fee, and bayle bond ~~five~~ shillings and six pence, and for the arrest and waiting what they can get, sometimes twenty and commonly thirty shillings or more, swearing that they get not any benifit by it, for they must pay the prison fees out of it to the Keeper, and all the former fees, or else they

shal



shall forfeit their bonds, when they keep all this money notwithstanding their swearing, and if the defendant be carried to prison, then if he can procure the favour, he must appeare the next Court, and put in bayle which will cost five shillings and tenpence, when there is but twopence due, and must also give two sufficient housekeepers bayle within the said liberty, though the action be not worth twopence, and then must a nswer to a new kind of declaration called an Incippitur, which is in this manner. *Iohannes Doe quer versus Richard Roe, simplis. transg. or transg. super casus or the like ad dam. 20. l. or the like,* and this is al the Declaration commonly they have before the tryall, then the next court the defendant must answer, and so they proceed on, in this Arbitrary horseetrot way, wherein is neither sence nor Law. And when any motions be in Court made, the Steward Mr. *Win*, desireth still that all things may be done with consent, which is very cunningly thought on by him, when they can do nothing by Law, and after Verdict in any case by their apprentized Jury given, which is commonly for the Plaintiffe, according to the custome of that Court then they enter judgement in this form, viz.

**C**uria Domini Regis Palatii Regis Westm: tenta apud Southwerke, in Com: Surrey, die veneris seilicet, nono die Octobris, Anno regni Domini Caroli, Dei gratia Anglie, Scocie, Francie et Hybernie, Regis fidei defensoris &c. Vicefimo secundo eorum Edwardo Sidonham, milite Mariscalo hospitil Domini Regis et Henrico Win, ar: Senlo, cur: pred. Indicibus curie illius virtute litterarum pueni gerand: dat: apud Chelbry, duo decimo die Regis anno regni sui sexto, Memoranda, quod alius filius iudicis curie Domini Regis Palatii Regis Westm: tenta apud Southwerke in dicto Com: Surrey infra iurisdictionem huius curie die veneris septimo die Augusti ultimo preterita venit hic: Danielis Sheeter den ar: de hospitio Domini Regis glauant: non constitans per Ricm: Damer: Accorn suam et, pro illius filio, quandoque bellum fuit versus Iohannem Ader,

*A whip for the Marshalls Court,*

*ann. portator. ueigarn. officiar. et Minister. huius curie gen. presen. hic in Curia in propria persona sua de eod. hospitio non existan. in pto. deb. et sunt pleg. de proso. Io. Doet Rio. Ro.* And so they go on in the forme of the Common Law, in entring their Judgement, and for the executing of it, issue forth a *feri facias*, or a *Capias ad satisfac.* returnable within a yeere and a day after the rest.

To give you an Accompt of some of the Erronious proceedings of that Court in the writ and Exordium of the Judgement formerly by me set downe, and how all their Arrests are false imprisonment trespassse and batteries, and the & fees mony so taken extorted and forced from the Arrested, I intended to satisfie you in some thing, but not in all part lye in respect, I cannot here in my Iron Cage procure the yeare bookes, *Dyer*, *Cooke*, and such as you should have Cited, and partly I hold it sufficient to tell my enemy, I will fight with him, and that I challenge him as I do now againe the Marshalls Court, or that Court Mr. *Henry Wyn* is Steward of, if they durst come to a faire Tryall with me at the Common Pleas Barre, concerning the Jurisdiction of that Court, to hold plea in actions betwixt party and party not being of the Kings house, & how by them as yet I have suffered out of purse above 2300. l. besides my credit no man knows whether or no by all the wayes or meanes I can use, though it be by many costly & troublesome Law, Suits or otherwise receave one peny thereof, for if I should set forth all that I know, and can make appeare of that Court, it were to arme my enemies being Rich and numerous, and leave my selfe in a kind of naked condition, my estate being most in other mens hands, and a stranger in *Solemne* and friendlesse *Gemorab*, yet I feare them not, for my heart is good, and just, my Actions honest, and my wayes streight, and one that have not done any wrong, but can bouldly dare that man, who ever he be, or ever soe rich to meet him in any place, and with the spirit of truth tell him thou liest, if so be shall devalge any thing that may carry the least species of dishonesty, or scandall against me, I

serve

serve and feare my God, and love all honest people, and know not to day whether I shall see to morrow, and love Heaven better then money, not fearing death, counting him an insinuating knavish Scicophant that knowes any dishonest act by me done and is silent, not procuring just punishment to be inflicted on me for it, which is all the comfort I have, in my fortified Castle garded more then regarded, and watched both night and day, where my selfe with many more causelessly gaze away our time, thinking what Law hath produced such a heavy burthen in the bowells of one house, and when to be delivered, into the new part of the ould City, there to be rebaptized, by the name of Goale Birds, amongst our scandalous enemies, to the honour of our Nation, that Gentlemen shall have new Titles, in this time of Reformation.

But to returne to my ould work, of the Marshalls Court, I will satisfie you every one, if you will repaire to mee, in whatsoever point you conceive dubious concerning the jurisdiction of that Court, and in what manner you shall ground your Actions for Recovery which shall be so fixt as upon a Rock, and also make it appeare so cleare as the Sun at noone day, that every one that hath beene sued in that Court shall recover damage for his false imprisonment.

First what Fees are allowed in the Statutes; you have read them; and what they have received, to whom, when, and where paid is best knowne to your selfe, and how long you have been imprisoned, or in custody, by whom and when, where to find their Estates, I am very well satisfied and can let you know it, and for their extortions in what nature to be punished, and what redress you may recover, I will give you an accompt of it.

Secondly, note the nature of the Writ of such power and force, being directed to the Carriers of the Rodds of the Office of the Marshalls of the Court of the Kings Palace of West-

*minster*, where *ipse facto* there is no such Office (but they that make this Writ tollerate, signe, seale, and execute, it had need of A thousand Rodde Carryers, and beadells to whip them out of this peece, which may bee would put some better law into their heades, or beat them into more wisdom and honesty) and to let you understand a little more, the court of the Kings palace of *Westminster* is the court of the Kings Bench, and they have noe such offices as rodd carriers, but tipstaves, & the carriers of the Rodds, are the Knight Marshalls men (as I have formerly proved by the statutes) deputed by him to serve the processe of that court, by virtue of their capias with their rodde in their hands, livery coates upon their backs, and cognizaunces upon their sleeves, this should be their garbe, and by this they are known to be officers, and every one who is by him arrested, ought to yeeld obedience, and to defend themselves in due course of law, but contrary to this rule, or any good rule, they issue forth their writs, with a *precipimus quod non omittatis propter aliquam libertatem infra jur. curie predict.* (when neither themselves, or any one else knowes the jurisdiction of that court, caled the court of the Kings pallace of Westminster which they hold in Southwarke) *quin capiatis &c.*

By vertue of this writ being a dangerous on, & clean contrary to law they enter, and break into the foresaid severall Countiees and the ancient charters and liberties thereof, they impudence, and insolent violence infringe, break and enter, taking to themselves by this illegall Writ of *Non omittatis*, full power and authority to justice any arrest within twelve miles about their Court in any Corporation or Liberty in these five Countiees, in London where one *Edward Gausmitch* did arrest *Mrs. Margaret Landgridge*, and carried her to the Marshalsey, from Shoe Lane, and in Westminster where he at least forty Arrests every weeke in the liberties of the Tower, White, Chancery, St. Katherineines, the Duchie, Finsbury, the Burrough of Southwarke, the

Clink

Clinke, St. Giles, and many others; I am confident you are not ignorant how that no inferiour Court can grant proces out of one County into another, as this Court doth (except the Marshalls Court for the Kings house, which Court is alwaies to attend his person wheresoever he goeth, and this is by speciall Act of Parliament and not by Pattent or Common Law) And none of the Kings superiour courts at Westminster. can do it but with special direction to'th Sheriff of of each County, who is to make returne of all such writs, and here they arrest in generall, in the five severall counties by one writ, and the Sheriffe never hath any knowledge of it, or of any such Writ (a horrid boldnesse) and carry away the arrested whether they please, out of one County into another, let all men consider what an infringement of liberties this is, and with so much impudence Justified, and not one officer who live in such infringed liberties endeavour the prevention hereof, though their Oathes binds them to it & know and see it oftner then my selfe and yet are silent, I doubt Gentlemen your silence herein is perjury, and let me intreat you to repent of your ignorant perjuries, and do so no more, and be no longer dumb, but endeavour the cure of this Malady or I will call you by good Statute law provided for Newtrallist-refiants, and Officers) to accompt for it, and be no looser by the bargain, and if you love your soules [being warned] hereafter to discharge your Offices with a regard to your oathes and bring these Marshalls men to condigne punishment for such offences, and transgressions, and note that if Custome or Tolleration of this evill once become a Law by perscription any man that can prevail, may get a Pattent from his Maj. to have the same power over all the Kingdome, as this Marshalls Court hath within the five Counties, for if his Majesty have power to grant such a Pattent for twelve miles, there is in his Majesty the like power *de die in diem*, to grant Pattents of the same nature for twelve hundred miles if the Kingdome were so large, and so consequently all the Courts, jurisdictions, Charters, Lawes, priviledges and rights of the Subject, so long enjoyed, and by *Magnum Charte*

*A whip for the Marshalls Court,*

as by so many Kings confirmed upon us utterly overthrowne,  
and wholly in his Majesty.

Thirdly the test their writs from the last session of their court  
before they take it forth and make it returnable, *in fra tres*  
*septimanas tunc prox. sequen.* what a false and erroneous writ  
is this, the Law cannot any way warrant such a returne, but  
there a terme must be the next court after the test, and they  
keep their court every Friday, and so the returne cannot bee, but  
from Friday to Friday.

If this returne of theirs were law why cannot the Kings bench  
or common pleas issue forth writs beareing test in Trinity Terme  
to be returnable in Easter terme following, tis all one and the  
same law, and if an inferiour court can doe this, why not a supe-  
riour Court, if any Attorney. Be it of the Kings bench or com-  
mon pleas should make such a writ, he would be thrown over  
Barr, and imprisoned for it, as he should well deserve, and so  
consequently if this were law, an Attorney might make a writ  
tested last terme, and returnable seaven yeares since, and arrest  
any one by vertue of it presently after the writ issued  
for upon a pretended account of ten thousand pound, and for  
want of bayle the arrested must lye in prison, untill the returne  
of the writ,

Fourthly they command the body of the arrested to be  
brought before the Judges of the Court, of the Kings pallace of  
*Westminster* which is a strange power in my opinion, that the  
Knight Marshall by vertue of his writ out of that court held in  
Southwarke should command any man to be arrested and car-  
ried to prison, and his appearance to be before justice Bacon or  
justice Roll at the Terme, which is the court time of the court  
of the Kings Pallace of *Westminster*, when their tests are not  
to the writs, they being the Judges of the Court, of the  
Kings pallace of *Westminster*, but the test of this writ is by Sir

*Edward*

*Edward Sidenham*, he having nothing to doe there, or in any other Court, neither hath he taken the oath of a Judge in any Court, and if he had taken such an oath, yet he is a Delinquent, and the Office of Knight Marshall, as much as concerneth him in that Court, and the benefit thereof long since sequestred, and taken from him by the Committee of Sequestrations in the County of Surrey, and let to another for about thirtie pounds *per Annum*, And Sir *Edward Siddenham* hath not yet made his Composition, yet the Test of the Writ is still in his name, which Vacuats the writ in it selfe, for by the Votes of the 20. of MAY, 1642. and by the Statutes of the 11.R. 2.1.H.4. the same is confirmed, all Delinquents are declared Traytors, and he being a Delinquent, I conceive him to be within compasse of the Votes, which if he be, let all Lawyers and wise men give their opinion upon, whether or no the Test of the Writ be in a Traytors name, and if tested by a Traytor, then the Writ is cleerely void and of none effect, and what man will be so base and unworthie a fellow, to yeeld obedience to Traytors test or command, thereby confederating with him, It will be objected that the Chancery, Kings Bench, and Common-Pleas writes bear the Test of the Keeper, and Chiefe Justice after they be came Delinquents, which is true, but not after their Offices were sequestred and taken from them, for then the Committee for obstructions, Justice Bacon, and Justice Reeve bore the Tests of the Writts, Moreover Sir *Edward Siden-*



hams Pattent is void into severall waies, by which he is made Knight Marshall, first his Pattent is not inrolled in the Rowles here in due time, and secondlie it is past under the ould Great Seale at OXFORD, which by vertue of the Ordinance of both Houses of Parliament is void, that Ordinance declaring all Graunts, Pattents, &c. past under the ould Great Seale since the twentieth second of May 1642. void, which was the time Littleton the Keeper Run away to York with the seal, and at that time, and sinre Sir Edmond Varney was Knight Marshall, who was at Edgehill, the twentie third of October following killed, after whose death Sir Edward Sidenham had his Pattent to be Knight Marshall sealed with the ould Great Seale. So the whole foundation of the Court is destroyed, the Knight Marshall not being Knight Marshall whose Test is to the Writts, and also the Marshalls men have no Deputaion from the Knight Marshall, which must of necessity be otherwise, they are no Marshalls men, and so all their Arrests every way false imprisonment, and let all men judge if that Court hath not ruined it selfe.

Fifely, their writts run to Arrest John Doe, and Richard Roe in an action of Trespas, and they declare some times in debt, sometimes in trover in Action *sur le Case*, and the like which is repugnant to Law, for wherefore shall I Answer to any other action according to the Common Pleas proceedings which is Law, then that I was Arrested for and put in Bayle to, and wherefore shall not I have Costs.

Costs upon that Action by nonsuit if not declared against, according to the first Proces, and Arrest.

Sixtly, by what Law or rule, I must be bound to answer to an Incippitur, such a one as I have formerly mentioned, I know not, but sure I am that such an Incippitur is a peece of non sence and not containing nere the name of a Declaration, the Steward if he were a just Steward ought to grant a *non prof.* upon it for want of a Declaration, but for the Courts benefit, that lawfull proceeding is slighted, and instead thereof puts the poore Defendant by lawlesse and irregular rules and other by blowes, to a very long attendance, and much cost, and lately one Gilbert Barrell one of the Attorneys of that Court hath found out a quirk which he pretends to be Law, to preserve the Plaintiffe from paying the Defendant Costs, when there is no cause of Action, that is to declare in a good Declaration, and when the Defendant answereth, to demurre to the Answer, and so the Judgement shall passe against the Plaintiffe, and that Court gives no cost upon a demurrer, this was his client Bowers his case against Mrs. Carter, and thus in an odd erroneous way, and kind of proceedings they go on, and when they are to enter Judgement in any Case, this is their Exordium which I have litteratly set downe formerly, out of which have observed one pritty passage, and the like is in their VVrit, which I will onely mention, and so endeavour a Conclusion.

Note they make their writ retournable before the

Judges of the Court of the Kings Pallace at Westminster, of which Court Mr. Win pretends to be Steward, and Tests it with Sir Edward Sidenhams Test, Knight Marshall, and so Ioyn both the Court and Steward, and Knight Marshall together.

And for their Judgement they begin with *Curia Domini Regis Palatii Regis westm: &c.* Which Court is not the Court of the Kings Pallace at Westminster, but the Kings Bench is the Court of the KINGS Pallace of VVESTMINSTER, as I have formerly Declared and cannot be held in Surrey as aforesaid, unles by special adjournment is *tena coram Edw. Sidenham milite Marescallo Hospitii Domini Regis et Henrico Win. Ar. Senlo. curie pred.* and so in all their proceedings joyned their two courts in owne to make as they say a *vis unita fortior*, and need they have to if that would helpe, but the worst is, neither of their courts hath jurisdiction before the King come, and then but one, and that is the Marshalsey for his Majesties house, and is not this able to trouble Mr. Win. that the power of two Courts cannot make one, yet nevertheless he marieth them both together by which meanes money enough will begotten, if the Spawnes of that Court, the Marshalls men, be carefull to sow Sedition enough between the Scoulds, Bawdes, and Whores within their Veirge, from whom most of their living and benefit comes.

The last of my exceptions that I intend at this time in this Booke to set forth, is to intreat you to take notice

notice of their executions returnable within a yeare and a day, within which time there is 52 Courts, one every week held, wherefore shall not the Common Law make forth an execution returnable 52 Terms after the Test of the Writ, and so that Writ will not be out of Date, or the return past in 52 Terms, which is about Thirteen yeares, I do not thinke but it is false imprisonment in any one to execute such a writ when the Law will not allow them to make it returnable, but from court to Court, as the Common Law doth from Terme to Terme.

If a man could but have the full view of their proceedings, I am verie confident he should discover more errors in one day then he could with his penne devulge in a Yeare.

Civitas *J. Apud generalem Session. pacis Domini*  
*Burgum, et Regis tant. ibm. Die Luna existens, un-*  
*Vil. Westm. decima die Januarii, Anno Regni Dn.*  
*in Com. mi. Caroli nunc Regis Anglia. Et*  
*Midd. xx ii. coram Gregorio Fenner Mil.*  
*Humph. Edwards Embulo Thelwall et*  
*Johe. Hooker At. et al. sociis suis Ju-*  
*sticiar. Et.*

IT is Ordered by this Court that *Cornellius Avery* who is alleadged to be a Marshalls Man or Servant to ~~a Marshalls man~~ be suppress from keeping a vi-  
 dualing House any longer, and that from henceforth hee shall not sell or utter any beere or Ale whatsoever by colour of any Licence or Warrant made him by this Court, or any of his Majesties Iustices of the

*A Whip for the Marshalls Court,*

peace within this Citie and Liberty, and that from henceforth no person who is, or shall be a Marshalls Man be Lycensed to keep a Victualling house to sell beere or Ale, within this Liberty but that all lycenses granted or to be granted to any Marshalls Man, shalbe utterly voyd to all intents and purposes whatsoever.

*per Johannem Jackson.*

There is also an Order granted at the Sessions at Hicks Hall, that no Marshalls man or Bayliffe shall keepe a Victualling house in the County of Middlesex. But that all such lycenses granted or to be granted to any such shal be to all intents and purposes void.

I wish all the Sessiones in the Kingdome would do the like in all their Counties and liberties, and see the same put in execution by their Constables and Officers.

*If Heaven be pleas'd, when men do cease from sin.*

*If Earth be pleas'd, when Thieves do enter in.*

*If Hell be pleas'd, when she receaves a Knave.*

*Then all be pleas'd, this Courts going to its grave.*

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*F 9 N 7 S.*

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by this Court or any of his Majesties Justices of the

peace

